

Remarks

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

Initially, Applicants are submitting, concurrently herewith, a Revocation of Prior Powers of Attorney and Appointment of New Power of Attorney, naming the undersigned as one of the new attorneys appointed to prosecute this application.

Claims 14-37 have now been replaced by new claims 38-44.

In new claim 38, the wording "as substrate" has been introduced since the step b) refers to a "substrate"; the wording "or achiral" has been cancelled; the wording "ortho" has been introduced since step b) refers to an ortholithiated group; the wording "comprising the steps of" has been introduced together with individual step letters a) to c); step b) has been introduced; instead of two lists providing a list of substituted radicals, followed by a list of unsubstituted radicals, the two lists have been combined by using the wording "unsubstituted or substituted"; the final phrase "converting X* to a different grouping to produce a chiral ligand" has been cancelled as being obsolete now, since no choice between achiral and chiral groups remains.

Claims 15 and 17 have been cancelled as being obsolete in view of omitting "achiral" in claim 38.

Claim 18 has been cancelled as being directed to now obsolete "achiral" directing groups.

Claim 20 has been cancelled as being obsolete in view of defining "ortho" in claim 38.

Claim 21 has been cancelled as being obsolete since forming an intermediate is now covered by step b) in claim 38.

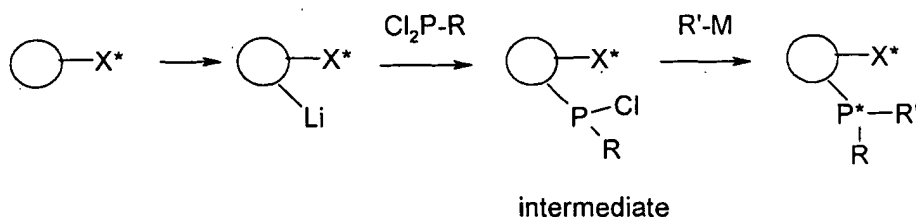
Claims 26-37 have been cancelled. The difference between former claims 14 and 26 is the final phrase in claim 14 "converting X* to a different grouping to produce a chiral ligand". As this phrase was omitted from claim 38, no reason remains to maintain claims 26-37.

The claim objections in the paragraph bridging pages 2-3 of the Office Action have been rendered moot.

The patentability of the presently claimed invention over the disclosures of the references relied upon by the Examiner in rejecting the claims will be apparent upon consideration of the following remarks.

Thus, the rejection of claims 14-16, 19-28 and 31-37 under 35 U.S.C. §103(a) as being unpatentable over Hayashi et al. in view of Nettekoven et al. and Berlin et al., as applied to new claims 38-44, is respectfully traversed.

The instant invention provides a process for the stereoselective buildup of a phosphor-chiral radical in ortho-position to a chiral and ortho-directing group, summarized as follows:



The reaction is a diastereoselective reaction since one diastereomer is primarily formed.

Hayashi et al. disclose the stereoselective introduction of a phosphine group in ortho-position, however, the phosphine group is **not** a (phosphor)-chiral group.

Nettekoven et al. do not teach or suggest the use of an orthodirecting group.

The Examiner applies Berlin et al. for a teaching of the reaction of a halogenated phosphine with a Grignard reagent in order to produce a phosphine with different R groups on it.

Thus, an essential feature of the instant invention is missing from the references, namely the presence of a chiral ortho-directing group. Consequently, there was no motivation to combine the teachings of the references, and even if combined, one cannot arrive at the instant process.

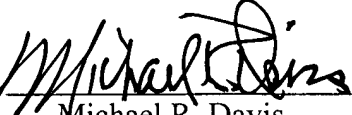
Moreover, high (dia)stereoselectivity, as obtained from the instant process, is not suggested by the references.

For these reasons, Applicants take the position that the presently claimed invention is clearly patentable over the applied references.

Claims 14-16, 19-22, 26-28 and 31-34 are provisionally rejected for obviousness-type double patenting as being unpatentable over claims 13-18 of Serial No. 10/586,287. The Examiner is kindly requested to hold this rejection in abeyance, pending an indication that the claims of the present application are otherwise in condition for allowance.

Respectfully submitted,

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